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17 Ernest Johnson and Jowa Tax and Finance, Inc.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

13 ERLINDA ZACARIAS; ERLINDA) Case No. 2:22-cv-00595-JCM-NJK
14 ZACARIAS as parent and guardian of)
15 B.Z.; FRANCISCO ROCHA,)
16 Plaintiffs,)
17 vs.)
18 ERNEST JOHNSON; JOWA TAX AND)
19 FINANCE, INC.; DOES 1 through 10;)
ROE CORPORATIONS 11-20, inclusive,)
Defendants.)

21 Defendants, ERNEST JOHNSON AND JOWA TAX AND FINANCE, INC.
22 (hereinafter "DEFENDANTS"), by and through their attorneys of record, Lucian J.
23 Greco, Jr., Esq., Devin R. Gifford, Esq., and Matthew J. Cook, Esq., of the law firm
24 BREMER WHYTE BROWN & O'MEARA, LLP, hereby submits the following
25 Statement of Removal.

26 **1. The date on which you were served with a copy of the Summons and**
27 **Complaint.**

1 Response: On January 13, 2022, Plaintiffs Erlinda Zacarias, Erlinda Zacarias as
 2 parent and guardian of B.Z. (a minor whose name has been redacted from the
 3 Statement of Removal and the attached Exhibits), and Francisco Rocha who is not a
 4 minor (hereinafter collectively referred to as “Plaintiffs”) served Defendant Iowa Tax
 5 and Finance, Inc. with the Summons and Complaint. On February 7, 2022, Plaintiffs
 6 served Defendant Ernest Johnson with the Summons and Complaint via the State of
 7 Nevada Department of Motor Vehicles. Personal addresses, date of birth information,
 8 telephone numbers, driver license numbers, driver plate numbers, and voter
 9 registration identification numbers have also been redacted from Exhibit A.

10 **2. Is removal based on diversity jurisdiction, the names of any served
 11 defendants who are citizens of Nevada, the citizenship of the other parties,
 12 and a summary of defendant's evidence of the amount in controversy.**

13 Response: Plaintiffs were residents of Nevada. Defendant Ernest Johnson was a
 14 resident of Texas. Defendant Iowa Tax and Finance, Inc. was incorporated in and had
 15 its principal place of business in Texas.

16 **3. If your notice of removal was filed more than 30 days after you first
 17 received a copy of the summons and complaint, the reason removal has
 18 taken place at this time and the date you first received a paper identifying
 19 the basis for removal.**

20 Response: On March 14, 2022, Plaintiffs filed their Petition for Exemption from
 21 Arbitration indicating an amount in controversy above \$75,000.00, exclusive of
 22 interest and costs. Moreover, Erlinda Zacarias claims \$151,686.41 in past medical
 23 specials; Erlinda Zacarias as parent and guardian of B.Z. claims \$18,190.00 in past
 24 medical specials; and Francisco Rocha claims \$77,587.38 in past medical specials.
 25 Upon the filing of the Petition for Exemption from Arbitration, Defendants learned
 26 that the amount in controversy exceeded the \$75,000.00 threshold for Diversity
 27 Jurisdiction.

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1 **4. In actions removed on the basis of the court's jurisdiction in which the state**
2 **court action was commenced more than one year before the date of**
3 **removal, the reasons this action should not summarily be remanded to the**
4 **state court.**

5 Response: Inapplicable.

6 **5. The name of any defendant known to have been served before you filed the**
7 **notice of removal who did not formally join in the notice of removal and**
8 **the reasons they did not.**

9 Response: None.

10 Dated: April 13, 2022

BREMER WHYTE BROWN & O'MEARA
LLP

11 By: 

12 Lucian J. Greco, Jr., Esq.
13 Nevada State Bar No. 10600
14 Devin R. Gifford, Esq.
15 Nevada State Bar No. 14055
16 Matthew J. Cook, Esq.
17 Nevada State Bar No. 15028
18 Attorneys for Defendants,
19 Ernest Johnson and Iowa Tax and
20 Finance, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April 2022, a true and correct copy of the foregoing document was electronically delivered to CM/ECF for filing and service upon all electronic service list recipients.


Nicara Brown